



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

**IN THE MATTER OF:**

**Diane M. Holley,**

**Complainant,**

**and**

**Andrew Boyer,**

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**CHARGE: 1996CF0338**

**EEOC: 21B953181**

**ALS: 9480**

**Respondent.**

**RECOMMENDED ORDER AND DECISION**

On July 1, 1996, the Illinois Department of Human Rights (Department) filed a complaint on behalf of Complainant, Diane M. Holley. The complaint alleged that Respondent discriminated against Holley on the basis of disability.

**FINDINGS OF FACT**

1. Respondent filed an answer to the instant complaint on December 9, 1996.
2. On August 30, 2000<sup>1</sup> this tribunal denied both Complainant's and Respondent's motion for summary judgment, Complainant's motion for sanctions, set the date on which the joint prehearing memorandum would be filed and continued the matter for final status to November 1, 2000.
3. On November 1, 2000, Respondent appeared and Complainant failed to appear. The final status date was continued to January 3, 2001. That order was served on Complainant.
4. On January 3, 2001, neither party appeared and the final status date was rescheduled for April 2, 2001. That order was not served on Complainant.
5. On April 2, 2001, Respondent appeared and was given leave to file a motion to dismiss for want of prosecution. A copy of the motion to dismiss was served on Complainant. A status date for May 7, 2001 was set at that time as well.

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<sup>1</sup>The delay between the filing of the complaint and the decision on the summary judgment motions was caused by Respondents need to find new counsel, and vacate a default judgment.

6. On April 6, 2001, Respondent filed a motion to dismiss to be heard on May 7, 2001.

7. On May 7, 2001, again, Complainant failed to appear.

#### CONCLUSIONS OF LAW

1. Complainant's failure to comply with Commission orders or appear at scheduled hearings, and her failure to make any attempt to explain those failures, has unreasonably delayed the proceedings in this case.

2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

#### DISCUSSION

Complainant, Diane Holley, has taken virtually no action to prosecute this matter. Despite being served with notice, she has failed to appear at several hearings held on this case. Also, Complainant has failed to respond to Respondent's motion to dismiss. None of these failures on the part of the Complainant had been explained. Complainant's continued inaction has unreasonably delay proceedings in this matter.

It appears that complainant had simply abandoned her claim. As a result it is appropriate to dismiss the claim with prejudice. See, Leonard and Solid Matter, Inc. \_\_\_ Ill. HRC Rep., \_\_\_, (1989CN3091, August 25, 1992).

#### RECOMMENDATION

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter; it appears that she has abandoned her claim. Accordingly, it is recommended that this case be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

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BY:  
WILLIAM H. HALL  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED:

